

# Circular

## Houston Police Department



August 15, 2005

NO. 05-0815-215

### SUBJECT: **CLARIFICATION OF POLICY REGARDING IMMIGRATION AND HUMAN TRAFFICKING**

The Houston Police Department has had a well-established policy with regard to immigration since 1992 under General Order 500-05. In August of 2004, and June of this year, I authorized the issuance of two circulars (04-0805-163 and 05-0627-158) regarding the trafficking of persons to supplement the information contained in General Order 500-05.

Recent news stories involving day laborers and the "Texas Minutemen" coming to Houston have resulted in opponents to the department's policy claiming that the Houston Police Department has a "Sanctuary" policy regarding illegal immigrants. While such accusations make for interesting sound bites, they obviously do not accurately reflect the department's policy. Neither the City of Houston nor the Houston Police Department has a "Sanctuary" policy. Let me make it clear that I fully expect all officers of this department to exercise their authority under the Code of Criminal Procedure and in accordance with department policy and arrest persons known to have violated the criminal statutes of the State of Texas, as well as anyone criminally charged in another state, or under federal law. This circular is designed to ensure that there is no confusion with regard to this matter and to clarify the department's policy regarding immigration and human trafficking in light of current events.

While policy prohibits officers from participating in raids with the U.S. Immigration & Customs Enforcement (ICE) where the primary purpose is the arrest of persons for their undocumented status, members of the department routinely work with the Criminal Division of ICE when running raids or pursuing suspects wanted in connection with federal criminal investigations. These raids and investigations include criminal activities such as kidnapping, narcotics and gang related activities. Participation in such raids and/or investigations will continue to require the prior approval of an Assistant Chief.

Additionally, department policy does not allow for the arrest and incarceration in HPD facilities of individuals for purposes of "civil" warrants that may appear listed on NCIC. However, officers are allowed to take into custody any such person who the federal authorities state is a criminal suspect and who will authorize a direct book for a criminal hold into any federal detention facility or federal contract detention facility.

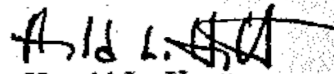
Finally, department policy does not allow officers to inquire into a person's citizenship status simply to determine if the person is in the country illegally. However, citizenship and immigration status are part of the information that is routinely obtained during the filing of charges for all Class B misdemeanors and above using the D. A. Intake Management System (DIMS).

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The policies and procedures established by the Houston Police Department regarding immigration and human trafficking matters are consistent with those recently adopted by the International Association of Chiefs of Police (IACP) and in keeping with the position articulated by the Major Cities Chiefs (MCC).

There is no doubt that the events of 9-11-01 and the current risks of terrorism in this country have sparked many concerns and debates with regard to immigration in the United States. While this issue will continue to be discussed and debated by politicians and special interest groups, the Houston Police Department will continue to be directed by its mission, values and guiding principles listed in General Order 100-06; specifically, *"The role of the police is to resolve problems through enforcement of laws and not through the imposition of judgement or punishment."*

The contents of this circular and the two above listed circulars will be incorporated into General Order 500-05 at its next scheduled update. Officers who have any questions regarding this matter should address them in writing through their chain of command to their Assistant Chief.

  
Harold L. Hurt  
Chief of Police

hlh:cgd

COP # 05-17866